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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,450

01/07/2005

Giorgio Cavillini

4865-72

2281

23117

7590

08/11/2008

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EXAMINER

KUDLA, JOSEPH S

ART UNIT

PAPER NUMBER

1611

MAIL DATE

DELIVERY MODE

08/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10510450	1/7/2005	CAVILLINI ET AL.	4865-72

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## EXAMINER

JOSEPH S.. KUDLA

ART UNIT	PAPER
1611	20080806

DATE MAILED:

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## Commissioner for Patents

The reply filed on 5/5/08 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Newly submitted claims 16-44 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Original claims 1-15, filed in the preliminary amendment on 10/7/04, were drawn towards the "preparation of a medicine" comprised of three forms of L-carnitine (see instant claims 1-8, filed 10/7/04).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 16-44 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Kudla whose telephone number is (571) 270-3288. The examiner can normally be reached on 9am - 5pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharmila Landau, can be reached on (571) 272-0614. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharmila Gollamudi Landau/  
Supervisory Patent Examiner, Art Unit 1611

/Joseph S. Kudla/  
Examiner, Art Unit 1611  
August 6, 2008